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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Consideration of reports submitted by States parties under article 18 of the Convention

List of issues and questions in relation to the seventh periodic report of the Congo

Addendum

Replies of the Congo*

[Date received: 25 June 2018]

* The present document is being issued without formal editing.

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General

1. The referendum in 2015 and the elections in 2016 went hand in hand with security operations against opposition leaders and supporters in the State party. Actions of non-State militias affected the security situation, especially for women and girls. Concerned at reports of mass arrests and torture in detention, bombardments, killings and the displacement of thousands of people from the Department of Pool, the Committee invites the State party to provide information on those events and their impact on women and girls. Please provide information on the mechanisms in place and measures taken to address the danger of the ongoing ethnicization and regionalization of politics for the lives of women and girls, especially those in disadvantaged situations in particularly affected areas of Brazzaville, internally displaced women, migrant, refugee and asylum-seeking women, rural, older and indigenous women and women with disabilities (see CEDAW/C/COG/Q/7, para. 1).

Response

2. The Government of the Republic abides by the national creed of "Unity, Work, Progress".

3. The preamble to the Constitution of 25 October 2015 stipulates that the Congolese people "declares its commitment to the virtues of dialogue as a means of peaceful settlement of disputes in a Republic at peace". Moreover, article 15 of the Constitution provides that "all Congolese citizens are equal before the law and are entitled to protection by the State" and that "no person shall be favoured or disadvantaged as a result of his or her ethnic or family origin, social status or political, religious, philosophical or other beliefs".

4. The situation in the Department of Pool is not linked to the ethnicization or regionalization of politics.

5. The situation resulted from the clash between the regular armed forces and the private militia of the former Conseil National de la Résistance (National Council of the Resistance) led by Frédéric Bitsamou, also known as Pastor Ntoumi, who has spearheaded previous campaigns. This fringe of the armed opposition took an entire population hostage, including that of part of the Department of Pool, destroying several public works (roads and bridges) and bringing traffic on the Congo-Ocean railway linking Brazzaville and the coastal city of Pointe Noire to a halt, with grave repercussions for an economy already weakened by the drastic drop in the price of a barrel of oil.

6. It was therefore incumbent upon the Government to respond and ensure that the general population and, in particular, women and girls were protected, putting an end to the chaos that no State committed to the proper functioning of national institutions would abide. Displaced women and girls have been assisted by the Government in partnership with the United Nations High Commissioner for Refugees, the Congolese Red Cross and the French Red Cross.

7. In the context of prevention, the Ministry for the Advancement of Women and the Integration of Women in Development commemorates International Women's Day every year on a rotating basis, facilitating exchange among women from all departments and of every political affiliation. In addition, the Ministry of Youth and Civic Education is working to instil in the young an awareness of the virtues of national unity by organizing summer camps that bring together children from all departments of the country. All those initiatives contribute to combating tribalism and regionalism.

8. Please inform the Committee of the impact of the decrease in oil prices and production, the diversion of State funding and the drastic reduction of the national budget on the provision of health services, education, agricultural development, social security benefits and other social services provided to women and girls, as well as on the access of women to justice. Please also indicate the measures taken to mitigate the impact in all regions, as well as to ensure good governance and combat corruption, with the aim of benefiting women and girls (see CEDAW/C/COG/Q/7, para. 2).

Response

9. The decrease in oil prices and production has had a negative impact on the national budget, which has shrunk considerably.

10. Nevertheless, health services, education, agricultural development, social security benefits and other social services provided to women and girls remain a priority for the Government, which also receives support from technical and financial partners.

11. Despite the challenging financial environment that has prevailed since 2016, the Republic of the Congo is continuing to build general hospitals in all departments and to train doctors in country and abroad.

12. The Congo has established two anti-corruption bodies, namely:

- The National Commission to Combat Corruption, Fraud and Extortion;
- And the Observatory to Combat Corruption, Fraud and Extortion.

Legislative framework and access to justice

13. Considering that the State party ratified the Convention in 1982, committed itself, in the first and second cycles of the universal periodic review process, in 2009 and 2013, to undertaking the legislative revisions and received support in that regard from the European Union, please explain the delays in the adoption of the codes mentioned in its seventh periodic report (CEDAW/C/COG/7, para. 14), in the revision of discriminatory laws and in the adoption of a definition of discrimination that includes direct, indirect, intersecting and multiple forms of discrimination, in compliance with articles 1 and 2 of the Convention. Please also provide a timeline for the adoption of those revisions (see CEDAW/C/COG/Q/7, para. 3).

Response

14. The various codes have been reviewed and revised, with financial support from the European Union, and are awaiting adoption.

15. Already revised, the codes are slated to be adopted and issued by December 2018.

16. In view of the barriers facing women in terms of access to justice (paras. 22–23) and the reports of corruption in the justice system, please provide information on the measures taken to initiate institutional reform and support the access of women to justice, including by providing legal aid, accelerating administrative procedures, introducing regular criminal court hearings and building the capacities of judicial actors. Please also provide information on the steps taken to replace traditional courts (para. 26) with judicial institutions led by the State and to introduce witness protection programmes. Please further provide information on cases in which the Convention has been invoked before the courts and on the number and the outcome of cases of discrimination against women (see CEDAW/C/COG/Q/7, para. 4).

Response

17. The measures taken include the reforms carried out by the Supreme Judicial Council, chaired by the Head of State, in 2017, consisting of sanctions against judges who have committed unethical acts (corruption, extortion).

18. It should be noted that women are not forbidden from gaining access to justice. However, socioeconomic factors (prohibitive court fees) and sociocultural constraints sometimes hinder women's access to justice.

19. Act No. 053/03 on the organization of the judiciary was adopted on 21 April 1983 with a view to making the justice system more accessible. Previously, there were village and neighbourhood people's courts in every district. In 1991, those courts were dissolved and replaced by an official court system, which allows for greater accountability for judges. Official courts have been established in districts and neighbourhoods. Steps are being taken to render them operational.

National machinery for the advancement of women

20. Please provide information on the status of the revision of the national gender policy and provide a time frame for the adoption of the new strategic framework for gender equality. Please provide detailed information on the financial resources allocated for gender-equality-related matters to the Ministry for the Advancement of Women and the Integration of Women in Development and to its civil servants working in general directorates, central directorates and departmental administrations. Please also provide information on the responsibilities of the Women's Advisory Council and the Gender Observatory and on the mechanism in charge of gender mainstreaming in all ministries and government bodies, including how this mechanism functions and the measures taken to reinforce gender mainstreaming. Please further provide information on the status of the revision of the national gender policy and provide a time frame for the adoption of the new strategic framework for gender equality (see CEDAW/C/COG/Q/7, para. 5).

Response

Financial resources allocated for gender-equality-related issues

In CFA Francs (local currency)

Budget year	*Total budget*	*Resources related to gender equality*	*Percentage (%)*
2017	2 210 473 000 000	4 802 769 325	0.22
2018	1 563 645 000 000	4 077 055 354	0.26
Total	**3 774 118 000 000**	**8 879 824 679**	**0.24**

21. The overall objective of the Ministry for the Advancement of Women and the Integration of Women in Development is to coordinate and promote action on behalf of women with a view to:

- Improving their overall status;
- Ensuring gender parity; and
- Promoting their participation in political, economic, social and cultural life.

22. In view of the above objectives, financial resources for gender equality have been allocated to the Ministry for the Advancement of Women and the Integration of Women in Development, which intends to address these numerous challenges by:

- Ensuring equal opportunities for girls and women in order to achieve gender parity, by improving the social and legal status of women through, inter alia: various information, education and communication campaigns designed to change attitudes; the drafting and updating of legal texts; and the provision of training sessions on the fundamental rights of women;
- Promoting equitable representation and equal participation of women and men, and girls and boys, in decision-making processes at all levels by strengthening women's capacities in politics, leadership and the prevention and peaceful resolution of conflicts;
- Combating all forms of gender-based violence by contributing to its reduction through public awareness-raising campaigns; establishing an emergency telephone number to allow victims and/or witnesses of acts of violence to contact the police anonymously and safely; and improving women's and girls' living conditions and strengthening their access to basic social services, including stepping up the fight against HIV/AIDS in support of girls and women.

23. Furthermore, the Government of the Republic of the Congo is basing its actions on article 17 of the Constitution of 25 October 2015, which states: "Women have the same rights as men. The law guarantees parity and ensures the promotion and representation of women in all political, elected and administrative roles". Therefore, the Government is making every effort to adopt a law on gender parity and to finalize the reform of the Family Code in order to guarantee the political, economic and social rights of Congolese women by ensuring, inter alia, their protection, and that of widows and orphans. Accordingly, since 2016, there has been an increase in the financial resources allocated to gender equality.

Financial resources allocated to civil servants working in general directorates, central directorates and departmental administrations for gender equality

Budget year	*Total budget*	*Resources allocated to civil servants for gender equality*	*Percentage (%)*	*Remarks*
2017	451 100 000 000	909 021 460	0.20	Budget estimates
2018	398 600 000 000	911 640 039	0.22	
Total	**849 700 000 000**	**1 820 661 499**	**0.21**	

24. The Women's Advisory Council issues opinions on matters related to the status of women. It also makes suggestions to the Government aimed at promoting the integration of women in development.

25. Organic Act No. 14-2018 of 15 March 2018 established the organization and membership of the Women's Advisory Council, and its implementing regulations were adopted on 8 June 2018 by the Council of Ministers, as follows:

- A draft decree establishing the selection process and the quota of designated members of the Women's Advisory Council;
- A draft decree establishing the conditions for the payment of the sessional allowance of the Women's Advisory Council.

26. With regard to the mechanism for addressing gender issues, gender focal points have been appointed within the ministries and government bodies, as well as in parastatal institutions. Also, the new second-generation national gender policy and its action plan for implementation (2017–2021) were developed, along with two related programmes:

- National Programme to Promote Women's Leadership in Political and Public Life 2017–2021 (approved on 21 October 2016 in Brazzaville);
- Action Plan to Strengthen Protection of the Rights of Women Living with HIV 2017–2021 (approved on 8 December 2016 in Brazzaville).

27. This new policy constitutes a single framework for reference and coordination for all gender-related interventions in the Congo. Currently, this strategic document is being shared with the parliament, the other constitutional bodies, the ministries, the political parties and civil society.

Civil society organizations and women human rights defenders

28. Please inform the Committee of the measures taken to ensure an enabling environment in which civil society and women's rights organizations can operate freely and to prevent the collective harassment, intimidation and forceful repression of social movements. Please also describe the legal requirements for the registration and operation of non-governmental organizations, including those relating to women's rights. Please indicate the measures taken to ensure the diversity and independence of civil society organizations and freedom of expression for all sectors of society (see CEDAW/C/COG/Q/7, para. 6).

Response

29. The dialogue on justice in the Congo between the Ministry of Justice, Human Rights and the Promotion of Indigenous Peoples and the European Union, which took place in Brazzaville in April 2018, resulted in the emergence of an overarching theme.

30. The overarching theme "Opportunities for good justice governance in the Congo" comprises five sub-themes, including "Support for civil society groups active in the area of human rights". The parties decided to establish a forum for dialogue between the Ministry of Justice, Human Rights and the Promotion of Indigenous Peoples and non-governmental organizations working to defend human rights. This platform, or dialogue forum, will examine all issues relating to the functioning of non-governmental organizations, which are still regulated only by a 1901 law.

31. However, article 27 of the Constitution stipulates that: "The State recognizes and guarantees, under conditions set by law, the freedoms of association, assembly, procession and demonstration".

32. Freedom of expression is guaranteed by article 238 of the Constitution of 25 October 2015, which provides that: "A non-governmental organization and civil society advisory council shall be established to advise on matters related to the participation of citizens in the life of the nation and to promote the rights and freedoms of citizens and republican values".

National human rights institution

33. Please provide information on the measures taken to bring the National Human Rights Commission into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular with regard to its independence and allocated resources, and describe its activities and mandate in relation to gender equality (see CEDAW/C/COG/Q/7, para. 7).

Response

34. A draft law amending and supplementing certain provisions of Act No. 5-2003 of 18 January 2003 on the responsibilities, organization and functioning of the

National Human Rights Commission has been developed. This draft law has already been adopted by the Council of Ministers and submitted to the National Assembly for consideration.

35. The budget allocated to the National Human Rights Commission, which comes under the budget transfers heading, represents 0.025 per cent of the national budget. This budget also covers activities related to gender equality carried out by the Subcommittee for Gender Equality, Vulnerable Persons and Minorities, which include discussions and conferences on the rights of women, violence, HIV/AIDS and cancer.

Stereotypes and harmful practices

36. Please indicate the time frame for the adoption of provisions prohibiting and punishing female genital mutilation, polygamy, abusive widowhood rites and forced marriages, which include child marriages, marriages that involve dowry payments or bride prices, levirate marriages and "pre-marriages". Please also provide data on those practices and information on the measures taken to protect women and girls at risk of falling victim to harmful traditional practices. Please inform the Committee of the advancements made in the adoption of a comprehensive strategy to eliminate such practices (see CEDAW/C/COG/Q/7, para. 8).

Response

37. All of these issues have been considered and addressed by the committee responsible for amending the relevant codes; the results of its work are awaiting validation and publication.

38. However, public awareness-raising campaigns are conducted throughout the year in connection with the following days:

- International Day of Zero Tolerance for Female Genital Mutilation, celebrated on 6 February every year;
- International Women's Day, on 8 March;
- Day of the African Child, on 16 June;
- Day of the African Woman, on 31 July;
- International Day for the Elimination of Violence against Women, on 25 November, followed by 16 days of activism, from 25 November to 10 December.

Gender-based violence against women

39. Please provide data on gender-based violence against women in the State party, including on domestic violence, marital rape, sexual harassment, violence relating to suspicions of witchcraft and violence against indigenous women and girls, and information on the measures taken to improve data collection. Please also provide information on complaints, prosecutions, convictions and sentences imposed with regard to cases of gender-based violence. Please inform the Committee of the measures taken to guarantee that sentences are commensurate with the gravity of the offence, in particular with regard to rape. Please provide information on the prosecution of and sanctions for rape and the impact of the reported redefinition of rape as a minor offence owing to the large number of cases. Please also provide information on reported cases of sexual violence by State agents, including their number and type, and on the sanctions imposed. Please further provide information on the shelters and services available for victims and on the introduction of a referral system regulating the interaction between specialized support services. Lastly, please inform the Committee of the content of the draft bill on gender violence (para. 15)

and the draft strategy to combat gender-based violence (para. 52) and indicate the time frames for their adoption (see CEDAW/C/COG/Q/7, para. 9).

Response

40. Each police station has a gender-based violence brigade. In line with the Government's commitment to combat violence, on 5 March 2018, the Ministry for the Advancement of Women and the Integration of Women in Development established an emergency telephone number ("14 44") to enable victims and/or witnesses of acts of violence to report them anonymously and safely. The telephone number was set up as part of the implementation of the national gender policy and the programme to combat gender-based violence, and a campaign to raise awareness of the number has been launched across the country's 12 departments.

41. There are plans to build a centre for the care of women victims of violence and women living with HIV/AIDS. The aim is to provide assistance of different sorts (legal, psychological, medical and so forth), which requires synergies across the work of various actors.

42. It should be noted that construction of the centre has been delayed because of the country's difficult economic situation.

43. The content of the draft law on gender-based violence, mentioned in paragraph 15, has not been amended. A draft strategy for combating gender-based violence was developed in 2017 and will be adopted by the end of 2018.

44. As part of the fight against gender-based violence, the Union for Research and Study on Population and Development conducted a survey on the subject in 2014, the results of which were as follows:

- Rate of violence over the last 12 months: 45.1 per cent;
- Rate of sexual violence over the last 12 months: 10.5 per cent;
- Rate of physical violence over the last 12 months: 17.4 per cent;
- Percentage of respondents who have heard of gender-based violence: 82.1 per cent.

45. Number of cases of violence recorded in 2017:

- Makélékélé Hospital: 48 cases;
- Talangai Hospital: 154 cases;
- Madibou Integrated Health Centre: 36 cases.

46. A total of 238 cases were recorded.

47. All of the above shows very clearly that the population is aware of the problem of gender-based violence in general and sexual violence in particular.

48. National laws and regulations condemn this scourge and those who commit these acts.

49. With regard to the care of victims, care centres have been established in hospitals, with the support of the United Nations Population Fund (UNFPA).

Trafficking and exploitation of prostitution

50. Please indicate the content of the bill on trafficking in persons, which was validated on 30 July 2013, and provide a time frame for its adoption. Please provide information on obstacles to the implementation of the Multilateral Cooperation

Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa (para. 69) (see CEDAW/C/COG/Q/7, para. 10).

Response

51. With regard to the specific problem of trafficked children, the Congo will continue to cooperate with Benin, the country of origin of most of these children. The care and reintegration of trafficked children includes identification of the children, their withdrawal from situations of exploitation, interim care, repatriation (for foreign children) and reintegration into a family environment.

52. Please inform the Committee of the measures taken to support women and girls in prostitution, those who wish to leave prostitution and those who are victims of exploitation in prostitution, including through human, technical and financial support to the associations mentioned in paragraphs 73 and 74. Please also provide details on the resources allocated to and the beneficiaries of programmes for women and girls who are vulnerable to exploitation in prostitution, including because of poverty, in the framework of the national gender policy (para. 77) (see CEDAW/C/COG/Q/7, para. 11).

Response

53. Prostitution is not legal in the Republic of the Congo but it is practised informally. As a result, there are no resources allocated to this category of women specifically. However, they are entitled to the same support mechanisms as all other women, irrespective of their occupation.

54. Nevertheless, some associations, supported by agencies of the United Nations system, carry out activities to assist those who want to leave prostitution by providing them with ways to develop income-generating activities.

Participation in political and public life

55. The State party indicated that the Electoral Act had been amended to raise the quota for women candidates in legislative and local elections from 15 to 30 per cent. Please indicate whether more efficient measures are planned in view of the continuing underrepresentation of women in Parliament, at 11.26 per cent in the National Assembly and 19.72 per cent in the Senate. Please also provide information on the measures planned to address the underrepresentation of women in sub-prefectures, as mayors, in ministerial and decision-making positions, at high levels of the civil service, in the judiciary, in particular the highest courts, and at the international level (para. 83). Please indicate the reasons for the delays in the adoption of the bill on parity, provide information on the scope of and modalities planned for its implementation, provide a timeline for its adoption and describe measures to include indigenous women in the political process (CEDAW/C/COG/Q/7, para. 12).

Response

Women have the same rights as men

56. Article 17, paragraph 2, of the Constitution of 25 October 2015 stipulates that: "The law guarantees gender equality and ensures the advancement and representation of women in all political, electoral and administrative functions".

57. To reinforce the Constitutional provisions, outreach and awareness-raising campaigns are being conducted to encourage the involvement of women in politics. Training is also being provided for capacity-building in leadership across all areas.

58. The draft law on parity has already been considered by the Council of the Office of the Prime Minister and Head of Government, it has been transmitted to the Government's General Secretariat for its adoption by the Council of Ministers and advocacy also continues.

59. Despite the underrepresentation of women in decision-making bodies, the Government, with the support of its partners, has made commendable efforts to encourage equal opportunities in the public sector through institutional reforms based on the facilitation of environments which are sensitive to gender equality.

60. This process, though delayed in its completion, has received special attention with the advent of the new Republic and the Government's dynamism.

61. There are plans to establish a monitoring commission on gender parity.

Women and peace and security

62. Please provide information on the measures taken to reinforce the participation of women in formal and informal conflict prevention and resolution, including in operations against militias operating in Brazzaville and in political dialogues, such as Dolisie in 2013, Sibiti in 2015 and Ouésso in 2017. Please also indicate the steps taken to adopt a national action plan for the implementation of Security Council resolution 1325 (2000), in line with the decision taken in Brazzaville on 12 November 2017, at a tripartite meeting including the Minister for the Advancement of Women and the Integration of Women in Development.

Response

63. Despite the low level of female representation in decision-making bodies and in negotiations on the prevention, management and resolution of conflicts, Congolese women participate fully in this process, including in post-conflict reconstruction, through the organization of peaceful marches, seminars and national prayer days which have had a favourable impact and resulted in dialogue among adversaries.

64. Regarding the missions assigned to the Ministry for the Advancement of Women and the Integration of Women in Development, in line with the implementation of Security Council resolution 1325 (2000), the Ministry undertook a mission to Kinkala in the Department of Pool, on 11 September 2017.

65. The objective of the mission was to make an appeal to the Ninja, an opposition armed group, urging them to leave the forests and abandon their quest of violence, and also to appeal to the women, mothers and wives of the Ninja, for their involvement in the search for peace.

66. Over two thousand people responded to the appeal.

67. Following the tripartite meeting held on 21 November 2017 in Brazzaville between the ministers for the advancement of women and gender equality of the Central African Republic, the Democratic Republic of the Congo and the Republic of the Congo, it was decided that a road map would be developed to pave the way for greater inclusion of women in mediation issues and peaceful conflict resolution, in accordance with Security Council resolution 1325 (2000), as well as in decision-making positions.

68. We are pleased to note the adoption, on 8 May 2018, of a national action plan for the implementation of Security Council resolution 1325 (2000). The plan covers the period 2018 to 2022.

69. From 23 to 24 May 2018, the Republic of the Congo held a regional workshop on the regional action plan of the Economic Community of Central African States to implement resolution 1325.

70. It also hosted the forth-sixth session of the United Nations Standing Advisory Committee on Security Questions in Central Africa from 29 May to 1 June 2018.

71. Please provide information on targeted measures taken to protect women and girls from violence, including gender-based and sexual violence, in the context of the tense security situation so as to ensure that the entrenched situation of discrimination against them is not further exacerbated and to guarantee that women and girls who are victims have access to justice, redress and assistance, in line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations. Please also provide information on the number and region of beneficiaries of training on the provision of medical and psychological support to women who are victims of sexual violence in times of conflict (para. 61) (see CEDAW/C/COG/Q/7, para. 14).

Response

72. In general, the measures taken relate to the prevention of violence in camps for internally displaced persons. The aim is to raise awareness among men and women of the consequences of violence against women.

73. The awareness-raising activities focus on the penalties incurred by both perpetrators of, and accomplices to, acts of violence. For victims, the campaigns focus on the reporting of perpetrators.

74. Furthermore, collaboration between the various actors contributes to better care for victims of violence.

75. Regarding access to justice, legal clinics (Government partners) are involved to assist women and girls through counselling and in the judicial process.

76. However, despite the various awareness-raising campaigns, few women have the courage to report the perpetrators of acts of violence, especially in rural areas.

77. In September 2017, a visit by the Minister for the Advancement of Women and the Integration of Women in Development resulted in the identification, in Kinkala (capital of the Department of Pool), of 433 displaced persons, including 232 women and 126 school-aged children, including 65 girls.

78. Since the end of the crisis in the Department of Pool and the bringing about of peace following the signing of a peace accord and a ceasefire agreement by the Government and the representatives of Frédéric Bitsamou, also known as Pastor Ntoumi, in October 2017, the Government (the ministries of health and social affairs) and partners of United Nations funds and programmes (the Office of the United Nations High Commissioner for Refugees, UNFPA and the World Food Programme have been undertaking initiatives to support women from the Department who have experienced violence or trauma of any sort. The focus of the initiatives is the provision of medical and psychological care and nutritional support.

- Between 2015 and 2017, the Ministry for the Advancement of Women and the Integration of Women in Development, with the support of UNFPA, trained 23 police officers.
- In 2016, the Ministry of Planning, Infrastructure and Public Works trained 3 magistrates.
- UNFPA has trained 6 scouts.
- The Ministry of Hydrocarbons has trained 30 health workers from integrated health centres.

- In the central region of the country (Lékoumou and Sangha), close to 50 people have been given awareness training and other training.
- The Evangelical Church of the Congo has trained almost 250 people to identify and provide guidance to victims of gender-based violence.
- In 2017, AZUR Développement, a civil society organization, trained 10 community focal points to identify and provide guidance to victims of gender-based violence.

Nationality

79. Please clarify the situation with regard to the ratification of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (para. 122), considering that the depositary has not recorded the State party as being among the countries that have ratified those conventions. Please also explain the delay in the revision of the law on nationality in order to allow women to transmit their Congolese citizenship by marriage and descent under the same conditions as men and provide a timeline for the revision. Please also indicate the proportion of non-registered births and the efforts made to ensure universal birth registration (see CEDAW/C/COG/Q/7, para. 15).

Response

80. There is no information on the ratification situation in the Congo.

81. Act No. 35-61 of 20 June 1961 (the Congolese Nationality Code) stipulates that "a child born to a Congolese father and mother shall be Congolese by descent". According to article 8 of the Nationality Code, every child born in the Congo shall be Congolese provided that:

- The child's father is Congolese and the child's mother was born in the Congo, or
- The child's father was born in the Congo and the child's mother is Congolese, or
- The child's father and mother were born in the Congo.

82. In other words, the Congolese Nationality Code does not discriminate based on gender.

83. With regard to the proportion of non-registered births, there is a lack of statistical data, which makes it difficult to provide an accurate assessment of the situation, particularly in indigenous areas.

84. Indeed, indigenous communities living in forest areas are not always able to benefit from the measures taken by the State to register births and issue birth certificates.

Education

85. Please provide data, disaggregated by sex, age, region and rural and urban areas, on access to and completion of primary, secondary and tertiary education, on school dropout rates, on scholarships and on pregnant girls in school. Please provide information on the number of functioning literacy centres throughout the country, the number of women and girls who are beneficiaries thereof and the human, technical and financial resources allocated to those centres and explain how they complement existing educational institutions. Please also provide information on the measures taken to overcome the difficulties identified in access to scholarships (para. 176), the high failure rates (para. 180) and the gender-related differences in dropout and enrolment rates (paras. 181 and 182), especially with regard to indigenous girls.

Please further provide information and data on the reintegration into the school system of girls who have dropped out, on efforts to integrate girls who have dropped out into employment and, in particular, on the number of girls trained by associations (para. 91), as well as on the support granted to those associations by the State party (see CEDAW/C/COG/Q/7, para. 16).

Response

86. With regard to the school-age population in the Congo, in 2015 the number of children of age to receive formal schooling was 401,869 for early childhood education (ages 3 to 5 years), of whom 201,339 were girls; 665,586 for primary school education (ages 6 to 11 years), of whom 331,074 were girls; 408,877 for lower secondary school education (ages 12 to 15 years), of whom 207,088 were girls; and 294,886 for upper secondary school education (ages 16 to 18 years), of whom 152,631 were girls.

87. According to the school statistics for 2015, the number of children in formal education was 84,360 for early childhood education, 54 per cent of whom were girls; 842,150 for primary school education, 50 per cent of whom were girls; 373,103 for lower secondary school education, 42 per cent of whom were girls; 115,198 for upper secondary school education, 53.47 per cent of whom were girls; 39,816 for technical and vocational education, 48 per cent of whom were girls; and 44,659 for higher education, 42 per cent of whom were girls.

88. The primary completion rate was 91.05 per cent, while the transition rate to secondary education was 86.75 per cent.

89. With regard to the education of indigenous girls, the ORA programme (Observe, Reflect, Act) is still operational. In 2015, there were 4,676 indigenous children in non-formal education, of whom 43 per cent were girls attending ORA schools. In addition, 1,013 children, 58 per cent of whom were girls, were attending literacy centres; 1,090 children, 50 per cent of whom were girls, were enrolled in back-to-school centres; 190 girls were going to women's centres; and 120 children, 63 per cent of whom were girls, were attending post-literacy classes.

90. There are 360 functional literacy centres throughout the country. According to data collected for a survey, 84 per cent of young women benefit from the centres, but literacy rates vary significantly across departments, from a low of 54 per cent in Kouilou to a high of 94 per cent in Brazzaville.

91. Owing to early pregnancy, dropout rates are high among girls in rural areas, particularly in lower and upper secondary school.

92. To ensure that everyone is on an equal footing, the awarding of university scholarships is contingent on first-year results. Given the current difficulties that the country is facing, scholarships for both female and male students are under threat.

93. With regard to the awarding of scholarships, it should be noted that female students benefit from positive discrimination measures, but as the statistics are not disaggregated by sex, it is difficult to measure the ratio of female-to-male students.

94. Established in 2015, the Employability Skills Development Project is intended to help vulnerable young people living in urban areas to enhance their employability and acquire entrepreneurship skills, in order to help them to enter the labour market and earn a better income. Under the project, every year vulnerable school dropouts aged between 16 and 30 years are given training in areas such as tailoring, welding, carpentry, car mechanics, hairdressing, tiling, baking, pig farming, electrics, masonry, market gardening, plumbing and food processing.

95. It is expected that 15,000 young people will receive training under the project. A total of 1,500 young people were trained in 2015–2016 and 4,500 are currently

being trained. The principle of gender equality is respected, with women accounting for 50 per cent of participants.

Employment, economic empowerment of women and economic and social benefits

96. Please provide information on the measures taken to support women seeking employment, including through training, career counselling and recruitment procedures, given the challenges outlined (para. 98), and indicate the number of beneficiaries. Please also provide data, disaggregated by sex, age and urban and rural areas, on formal and informal employment, including the number of women who are taxi drivers, domestic workers and artisanal designers who have access to the National Social Security Fund (para. 100), and on the measures taken to guarantee the access of women working in other informal professions to the Fund. Please also provide information on the measures taken to provide women working in the informal sector with access to other social benefits and on support provided for the creation of economic initiatives for women and guarantees for their continuity. Please indicate the measures taken to guarantee that family allowances are paid to men and women alike. Please also provide information on the time frame for the ratification of the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (see CEDAW/C/COG/Q/7, para. 17).

Response

97. The support of women in search of employment, including through training, vocational guidance and recruitment procedures, is one of the priorities of the Ministry for the Advancement of Women and the Integration of Women in Development. That goal is contained in the 2017–2021 action plan for the implementation of the national gender policy (second generation) under strategic target 2: "Enhancing the role and place of women and young girls in the economy and the workforce". One of its specific objectives is to "facilitate the socio-professional integration of women and girls". In addition, the National Employment and Labour Office manages job applications within the different structures based on the number of applicants, regardless of their sex.

98. Awareness-raising campaigns aimed at parents have been conducted in order to encourage girls to pursue an education. As a result of the training given in vocational centres supported by the Ministry, teenage mothers who received the training were able to become self-employed — at least 500 per year.

99. Raw data from the 2014 general population and housing census show that 68.5 per cent of women are engaged in formal national development activities compared with 73 per cent of men.

100. The disaggregation of data and information by sex, age and urban and rural areas remains unclear regarding formal and informal work.

101. Nevertheless, there are 43 hair salons and 47 sewing shops with female employees registered with the National Social Security Fund.

102. The incentive-based policy carried out by the authorities through the National Social Security Fund allows workers in the informal sector, including women, to benefit from certain allowances (family allowances, pensions) in accordance with the relevant legislation.

103. The Domestic Workers Convention, 2011 (No. 189) has not yet been ratified by the Congo. However, since the issue of domestic work is particularly sensitive, a bill was filed on the issue alongside the decree, currently in force, establishing the terms and conditions of employment of domestic workers.

104. Please indicate the measures taken to guarantee that family allowances are paid to men and women alike. Please also provide information on the time frame for the ratification of the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (see CEDAW/C/COG/Q/7, para. 18).

Response

105. There is no discrimination with respect to family allowances. The process to ratify the Domestic Workers Convention, 2011, is under way.

Health

106. Please provide data on the access of women and girls to improved sanitation and health-care facilities, disaggregated by urban and rural areas, and information on the measures taken to reduce the barriers facing women in gaining access to health care, including sociocultural factors (para. 105), and improved sanitation facilities. Please also provide data, disaggregated by urban and rural areas and ethnicity, on the access of women and girls to contraception and their use thereof and inform the Committee of the measures taken to promote the use of contraception, including by granting financial support. In view of the high maternal mortality rate, which is partially due to unsafe abortion, please inform the Committee whether the State party plans to decriminalize abortion in all cases and provide a corresponding time frame therefor. Please provide information on the measures taken to prevent the transmission of sexually transmitted infections, including HIV, to guarantee the access of women to gynaecological care in case of unsafe abortions and to integrate lessons on sexual and reproductive rights into school curricula (para. 109).

Response

107. Article 36 of the Constitution of 25 October 2015 stipulates that "the State is the guarantor for public health".

- Article 17 stipulates that "women have the same rights as men";
- Article 37, paragraph 2: "the rights of the mother and the child are guaranteed".

108. Improving maternal, newborn, child and adolescent health comes under priority axis 4 of the Ministry of Health and Population and is related to Sustainable Development Goal 3.

109. To that end, the Congo was committed to supporting the 2016 Global Strategy for Women's, Children's and Adolescents' Health.

110. The Congo has developed a related national strategy. Implementation of this national strategy through specific programmes applies to all women, children and adolescents equally and on a national level, and includes indigenous peoples (Act No. 5-2011 of 25 February 2011 on the promotion and protection of indigenous peoples in the Republic of the Congo). A programme is being implemented to construct departmental hospitals and rehabilitate integrated health centres in urban and rural areas, as part of efforts to revitalize health districts (priority axis 3 of the Ministry of Health and Population).

111. Real progress has been made in the last few years with respect to family planning thanks to the implementation of the plan to reposition family planning and free access to contraceptive products. Virtually all women (98 per cent) and men (99 per cent) are aware of at least one modern contraceptive method. The prevalence of contraceptives increased from 13 per cent in 2005 to 20 per cent in 2011 and 30 per cent in 2015, following the increase in the rate of condom use from 9 per cent to 12

per cent between 2005 and 2011 and the introduction of the "Implanon" implant, accepted by many women in both urban and rural areas.

112. Family planning services reach 77.6 per cent, but are not widely used by women and young girls.

113. The abortion rate in the Congo is at 25.9 per cent in the 15–19 age bracket and 31.3 per cent in the 20-24 age bracket.

114. The law prohibits abortion and the State has no plans to decriminalize it. However, post-abortion care is provided to all women who have undergone an abortion. There is a programme to educate health providers about post-abortion care. The programme is also incorporated into school curricula, including the rights to sexual and reproductive health.

115. To improve territorial equity, the new Constitution places basic health care under the responsibility of the local authorities. As part of the Government's health-care system reforms, the country has been divided into 52 health-care districts (Decree No. 5369 of 27 August 2017 on the division of health-care districts).

116. Caesarean sections, treatment for ectopic pregnancies and other major obstetric operations, emergency neonatal care (Decree No. 2011-493 of 29 July 2011), malaria treatment for children aged between 0 and 15 years old and pregnant women, tuberculosis treatment, HIV/AIDS testing and treatment for HIV-positive individuals or people living with HIV/AIDS continue to be provided free of charge despite economic difficulties.

117. A strategic framework to combat HIV/AIDS and sexually transmitted diseases was developed in 2014 with a specific programme on the mother-to-child transmission of HIV.

118. With regard to the elimination of all forms of discrimination and violence against women and girls, and the development of prevention and assistance programmes, all forms of discrimination and stigmatisation are outlawed in the Congo (Act No. 30-2011 of 3 June 2011 on efforts to combat HIV/AIDS and the protection of the rights of people living with HIV). Five seminars were organized for health workers and the police by the National AIDS Control Council between 2014 and 2015 in order to raise awareness on the theme "Law and ethics on HIV and AIDS".

119. As part of the measures taken to prevent the transmission of sexually transmitted infections, including HIV, the Congolese Government has facilitated access to HIV testing, care and treatment by providing free-of-charge procedures, equipment for health facilities to monitor patients and capacity-building for health-care personnel.

120. These measures have been complemented by the work done by civil society organizations to raise awareness for and to support the care of people living with HIV.

121. Other measures include:

- The implementation of a Congolese initiative to promote access to antiretrovirals and the promulgation of a presidential decree by the President of the Republic in February 2007 concerning free access to antiretrovirals for all people living with HIV in the Congo;
- The integration of a component on the prevention of mother-to-child HIV/AIDS transmission in more than 14 integrated health centres and three referral hospitals in Brazzaville and Pointe Noire;
- The development of guidelines on HIV prevention and treatment in the Congo.

122. The Government, with the support of partners, has made HIV testing available as well as the treatment of HIV-positive pregnant women in integrated centres for prenatal care.

123. In addition, 150 women have been trained in information, education and communication, and in the counselling and care of HIV-positive women and newborns in the health-care districts of different departments in the country.

124. With the support of the United Nations Development Programme (UNDP), in November 2016, the Congo adopted the 2017-2021 action plan on improving the protection of the rights of women living with HIV.

125. Abortions are not permitted in the Congo, but women have access to gynecological care if there are any issues.

126. Education about sexual and reproductive rights has been incorporated into school curricula.

Rural and indigenous women

127. Please provide information on the measures taken, such as reinforcing human, technical and financial resource allocations, to guarantee the provision of good-quality health and educational services and access to improved sanitation infrastructure for all women and girls living in rural areas, including indigenous, migrant and refugee women and girls, in particular those in Likouala Department. Please also indicate whether and how rural women, including those in Likouala Department, are included in initiatives for economic empowerment, such as the Lisungi Safety Nets System Project. Please provide information on targeted measures taken to support rural and indigenous women who have lost access to land cultivated by them owing to a lack of formal recognition of their entitlement to such land and to provide them with compensation for damage and alternative income-generating activities (paras. 115–116) (see CEDAW/C/COG/Q/7, par. 20).

Response

128. In the area of education, in order to address the shortfalls in teaching staff often observed in rural areas, the Government has committed to recruiting teachers who are already working voluntarily in the field.

129. With regard to the education of indigenous girls, the Observe, Reflect, Act (ORA) programme is still operational and allows the Government to observe the living conditions of indigenous children, reflect on their environment and act so that the children are agents of their own fulfilment.

130. After two preliminary years, ORA 1 and ORA 2, students can enter the first preparatory course in the standard educational system.

131. This programme, which is intended to integrate indigenous people into the educational system, was established by the Spiritan Association of the Congo and funded by the Congolese Government, with technical support from UNICEF and the World Food Programme. These organizations provide food and teaching materials for the benefit of indigenous children in several departments, including in Likouala, taking into account their specific culture and traditional values.

132. These 46 such schools are able to accommodate indigenous children thanks to kitchen facilities and school meals provided by the World Food Programme. Ideally, this programme should be implemented in all departments so that all indigenous children could benefit from a good-quality education.

133. The Lisungi Safety Nets System Project in the Likouala Department is still in its preparatory stages. When implemented, the project will establish 9,000 income-generating activities, 30 per cent of which will be reserved for women.

134. The Congo has just adopted Act No. 21-2018 of 13 June 2018, establishing the rules of land occupation and acquisition including, inter alia, measures concerning the prohibition of customs and traditions which often suppress or restrict a woman's right to occupy or acquire land, or to inherit the land of her spouse, ascendants, relatives or descendants. The Act will allow for a much clearer classification of land in the rural areas of the State, customary lands, urban land and peri-urban land, and will require that customary land be registered after it is recognized by the State.

Internally displaced, asylum-seeking and refugee women and girls

135. Please provide information and data on the situation of internally displaced women and girls, indicate whether provisions on internally displaced persons will be added to the draft asylum law and specify a time frame for the adoption of the law. Please indicate whether the State party grants protection to women seeking asylum on the basis of gender-related forms of persecution and what measures are taken to assist them, in particular women who are victims of sexual violence and other forms of abuse, as well as to train professionals on a gender-sensitive process for determining refugee status. Please provide information on the measures taken to enhance security and protect female refugees and asylum seekers from violence, including sexual violence, to prosecute such acts and to guarantee the adequate provision of rape kits and HIV testing kits in refugee camps. Please further indicate the number of women and girls among the 130,000 persons expelled to the Democratic Republic of the Congo and provide information on the review of the cases involving them (see CEDAW/C/COG/Q/7, para. 21).

Response

136. The State provides protection to women seeking asylum, including legal assistance in obtaining an identification document which protects and guarantees their individual rights in the land of asylum.

137. While their application is being processed, female refugees are placed under the responsibility of UNHCR, which partners with the Government and collaborates with other mechanisms in different areas.

138. Concerning the asylum law, the draft prepared in 2014 is currently before the Supreme Court.

139. Police stations and the prosecutor's office in Brazzaville are able to address complaints of sexual violence and other forms of abuse made by female asylum seekers, despite their legal status, in accordance with the relevant procedures and practices.

140. At the level of UNHCR, a protection unit has been established to assist victims who seek help by telephone or in person. In many cases victims are reluctant to report their aggressors. However, mechanisms have been established to provide counseling and to raise awareness of the importance of filing a complaint.

141. The issue of violence is one that concerns the State. On 9 June 2018, as a follow-up to the project "Prevention and responses to sexual and gender-based violence committed by police officers", the Ministry of the Interior established a brigade consisting of 250 officers, including 100 women, stationed throughout the country. During the ceremony launching the project, the leaders of the brigade received guidelines concerning sexual and gender-based violence and a training manual for officers.

142. To strengthen security and protection for female refugees and asylum seekers against violence, including sexual violence, several measures have been taken, including the organization of awareness-raising campaigns with a view to preventing violence.

143. It should also be noted that, with regard to violence, UNHCR is working with focal points who are leading actions to prevent violence from occurring, protect victims and put forth solutions.

144. In cases of violence, the Government through its support partner, UNHCR, assists victims and directs them to the bodies authorized to provide psychological and medical care.

145. In addition, when the complaint is substantiated, UNHCR directs the victim's file to organizations authorized in legal affairs.

146. However, when a woman is subjected to violence in a camp, the authorized partner is in charge of transferring the victim. The victim receives assistance or support for her integration.

Marriage and family relations

147. Please indicate the reasons for the delay in the revision of discriminatory provisions relating to harmful practices with regard to family and marriage, including those allowing pre-marriage and those on the minimum age of marriage, on the choice of the residence of the family by the husband in the absence of a mutual agreement, on the lawfulness of polygamy, on giving parental authority to the father, on the sanctions for adultery, in particular the disproportionate sanctions imposed on women, and on requesting a waiting period for women to remarry after divorce. Please also indicate whether the revision of those provisions is prioritized and the time frame for their revision. Please further elaborate on the measures taken to eradicate the practice of levirate, in addition to customs and traditional practices that prevent widows from inheriting property (see CEDAW/C/COG/Q/7, par. 22).

Response

148. All of the abovementioned provisions have been given considerable attention during the process of revising the Congolese Family Code. These various provisions have been reviewed and revised with financial support from the European Union, but unfortunately are still awaiting approval.

149. On the ground, campaigns centred on outreach, education and communication are continuing and are affecting women in both urban and rural areas.

Optional Protocol and amendment to article 20 (1) of the Convention

150. Please clarify the situation with respect to the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee (paras. 131–132), considering that the depositary has not received information in this regard, and provide timelines for their adoption (see CEDAW/C/COG/Q/7, para. 23).

Response

151. The Republic of the Congo has already ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.